

**2009 DRAFTING REQUEST**

**Bill**

Received: **01/16/2009**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Miner**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - env. cleanup**  
**Environment - water quality**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Miner, BB0462 -

---

**Topic:**

Transfer from environmental improvement fund to dry cleaner fund

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	btradewe 01/17/2009	kfollett 01/17/2009	jfrantze 01/19/2009	_____	sbasford 01/20/2009		
/2	btradewe 01/20/2009	kfollett 01/21/2009	phenry 01/21/2009	_____	sbasford 01/21/2009		

FE Sent For:

<END>

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/1	btradewe 01/17/2009	kfollett 01/17/2009	jfrantze 01/19/2009		sbasford 01/20/2009		

FE Sent For:

12/15/09  
1/21  
b1  
ph  
<END>  
1/15

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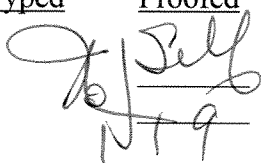
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/?	btradewe						

FE Sent For:

<END>

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Authorize Transfer from Environmental Improvement Fund to Dry Cleaner Emergency Response Fund
- Tracking Code: *BB0462*
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Andrew Miner *AM 1/18/09*
  - Phone: 266-1103
  - Email: andrew.miner@wisconsin.gov
- Agency acronym: DNR
- Agency number: 370
- Priority (Low, Medium, High): High

Intent: Authorize the transfer, on a temporary basis, an amount not to exceed \$6.2 million from the Environmental Improvement Fund (s. 25.43) to the Dry Cleaners Environmental Response Fund for the purposes of paying awards under s. 292.65 that exceed amounts available in the fund established under s. 25.48. Terms and conditions of the transfer to be established in an agreement entered into by and between the secretaries of the departments of Administration and Natural Resources.

IN 1/17

JF

DOA:.....Miner, BB0462 - Transfer from environmental improvement fund  
to dry cleaner fund

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Don + Gen

1 AN ACT ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

X Under current law, DNR administers the Dry Cleaner Environmental Response Program (DERP), which provides reimbursement for a portion of the costs of cleaning up discharges of dry cleaning solvents. DERP is funded from the segregated dry cleaner environmental response fund (DERF), which consists primarily of fees paid by dry cleaners.

X This bill authorizes the transfer of funds from the environmental improvement fund (which funds the Clean Water Fund Program, the Safe Drinking Water Loan Program, and the Land Recycling Loan Program) to the DERF, if funds available in DERF are insufficient to provide reimbursement under DERP. Any transfer must be repaid with interest. The bill requires the secretary of administration and the secretary of natural resources to enter into an agreement specifying the terms and conditions of the transfer and provides that the transfer may not exceed \$6,200,000.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 25.43 (2s) of the statutes is created to read:

25.43 (2s) If the secretary of administration determines that the moneys available in the dry cleaner environmental response fund are insufficient to pay awards under s. 292.65, the secretary of administration and the secretary of natural resources may enter into an agreement establishing terms and conditions for the transfer of moneys from the environmental improvement fund to the dry cleaner environmental response fund and the repayment to the environmental improvement fund of the amount transferred plus interest when sufficient funds are available in the dry cleaner environmental response fund. If the secretaries enter into an agreement under this subsection, the secretary of administration may transfer from the environmental improvement fund to the dry cleaner environmental response fund an amount that does not exceed the lesser of the amount of the shortfall in the dry cleaner environmental response fund or \$6,200,000.

(END)

**Tradewell, Becky**

---

**From:** Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]  
**Sent:** Tuesday, January 20, 2009 9:08 AM  
**To:** Tradewell, Becky  
**Subject:** FW: LRB Draft: 09-1599/1 Transfer from environmental improvement fund to dry cleaner fund

Becky – please see the email below from Michael about draft 1599. We'd like to make his change to ensure the funds come from 20.320(1)(sm). Please let me or Michael know if you have any questions. Thanks,  
Andrew

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**From:** Wolff, Michael - DOA  
**Sent:** Tuesday, January 20, 2009 8:52 AM  
**To:** Steinmetz, Jana D - DOA  
**Cc:** Miner, Andrew - DOA  
**Subject:** RE: LRB Draft: 09-1599/1 Transfer from environmental improvement fund to dry cleaner fund

Jana – I sent the following Friday afternoon. It would be good, but not absolutely essential, to get this reference into the draft. Otherwise the argument might be made that we didn't use the LRLP funds for the DERF loan.

Jana and Andrew, I think it would be desirable to somehow tie the \$6.2 million that is intended to be used for the EIF-to-DERF transfer to the Land Recycling Loan Program appropriation, even though I agree with Becky that we don't need a specific appropriation to make the transfer. This is because the funds we intend to use are part of the 20.320(1)(sm) authorization, which is a "sum sufficient not-to-exceed \$20 million" appropriation for the LRLP. I want the \$6.2 to be limited to the funds available under (1)(sm).

mw

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**From:** Steinmetz, Jana D - DOA  
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**To:** Wolff, Michael - DOA  
**Cc:** Miner, Andrew - DOA  
**Subject:** FW: LRB Draft: 09-1599/1 Transfer from environmental improvement fund to dry cleaner fund

Any comments or concerns?

---

**From:** Frantzen, Jean [mailto:Jean.Frantzen@legis.wisconsin.gov]  
**Sent:** Monday, January 19, 2009 4:05 PM  
**To:** Miner, Andrew - DOA  
**Cc:** Steinmetz, Jana D - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA  
**Subject:** LRB Draft: 09-1599/1 Transfer from environmental improvement fund to dry cleaner fund

*Following is the PDF version of draft 09-1599/1.*

**Tradewell, Becky**

---

**From:** Tradewell, Becky  
**Sent:** Tuesday, January 20, 2009 12:57 PM  
**To:** wolffm@mail.state.wi.us  
**Cc:** Miner, Andrew - DOA  
**Subject:** FW: LRB Draft: 09-1599/1 Transfer from environmental improvement fund to dry cleaner fund

Michael,

I'm not quite sure how to do what you want, especially given the nature of s. 20.370 (1) (sm) (for example, it would not be possible to transfer money back into that appropriation if the transfer is made out of it).

Is this supposed to be a reduction in the amount that may be expended for the land recycling loan program? A permanent reduction?

Might it work to use language something like this? ... an amount that does not exceed the lowest of the following:

- (a) Six-million two-hundred thousand dollars.
- (b) The amount of the shortfall in the dry cleaner environmental response fund.
- (c) The difference between \$20,000,000 and the amount that has been expended under s. 20.320 (1) (sm) as of the date on which the transfer is made.

Becky

---

**From:** Miner, Andrew - DOA [mailto:Andrew.Miner@Wisconsin.gov]  
**Sent:** Tuesday, January 20, 2009 9:08 AM  
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mw

01/20/2009



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*Following is the PDF version of draft 09-1599/1.*

## Tradewell, Becky

---

**From:** Wolff, Michael - DOA [michael.wolff@wisconsin.gov]

**Sent:** Tuesday, January 20, 2009 1:23 PM

**To:** Tradewell, Becky

**Cc:** Miner, Andrew - DOA

**Subject:** RE: LRB Draft: 09-1599/1 Transfer from environmental improvement fund to dry cleaner fund

Becky – Yes, it is intended that the transfer is intended to signify the application of most of the remaining authority under the LRLP. That \$20 million as described in the appropriation is not a 'revolving' fund but rather a maximum amount that can be used for LRLP purposes so it's not intended that the transferred amounts get replenished for LRLP purposes. I'm not sure but I don't think your "least of the following" gets that done.

Michael D Wolff  
Finance Programs Administrator  
State of Wisconsin  
Department of Administration  
101 East Wilson Street 10th floor  
Madison WI 53703  
608.267.2734 608.266.7645  
michael.wolff@wi.gov

---

**From:** Tradewell, Becky [mailto:Becky.Tradewell@legis.wisconsin.gov]

**Sent:** Tuesday, January 20, 2009 12:59 PM

**To:** Wolff, Michael - DOA

**Subject:** FW: LRB Draft: 09-1599/1 Transfer from environmental improvement fund to dry cleaner fund

Let me try this again:

---

**From:** Tradewell, Becky

**Sent:** Tuesday, January 20, 2009 12:57 PM

**To:** wolffm@mail.state.wi.us

**Cc:** Miner, Andrew - DOA

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**From:** Wolff, Michael - DOA [michael.wolff@wisconsin.gov]  
**Sent:** Tuesday, January 20, 2009 1:32 PM  
**To:** Tradewell, Becky  
**Cc:** Miner, Andrew - DOA  
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That's correct. We want to use the application of the funds to permanently reduce the \$20 million.

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Department of Administration  
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Madison WI 53703  
608.267.2734 608.266.7645  
michael.wolff@wi.gov

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**Sent:** Tuesday, January 20, 2009 1:29 PM  
**To:** Wolff, Michael - DOA  
**Cc:** Miner, Andrew - DOA  
**Subject:** RE: LRB Draft: 09-1599/1 Transfer from environmental improvement fund to dry cleaner fund

Michael,

I know that the \$20 million is not a revolving fund, but because the transfer to DERF will be repaid to EIF, it would be possible to restore the full amount of LRLP expenditure authority in the future when the transfer is repaid. I gather that although it would be possible, it is not what is wanted.

Becky

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State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1599/A 2

RCT:kjff  
1/11/10

In 1/20

DOA:.....Miner, BB0462 - Transfer from environmental improvement fund  
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FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Note

Don't Gen

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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

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Analysis  
Insert

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Insert 2-1 <sup>insert</sup>  
2-1 →

1 SECTION 1. 25.43 (2s) of the statutes is created to read:

2 25.43 (2s) <sup>(a)</sup> If the secretary of administration determines that the moneys  
3 available in the dry cleaner environmental response fund are insufficient to pay  
4 awards under s. 292.65, the secretary of administration and the secretary of natural  
5 resources may enter into an agreement establishing terms and conditions for the  
6 transfer of moneys from the environmental improvement fund to the dry cleaner  
7 environmental response fund, <sup>including a maximum transfer amount,</sup> and the repayment to the environmental improvement  
8 fund of the amount transferred plus interest when sufficient funds are available in  
9 the dry cleaner environmental response fund. <sup>(b)</sup> If the secretaries enter into an  
10 agreement under this subsection, the secretary of administration may transfer from  
11 the environmental improvement fund to the dry cleaner environmental response  
12 fund an amount that does not exceed the lesser of the amount of the shortfall in the  
13 dry cleaner environmental response fund or \$6,200,000 <sup>the maximum</sup>  
<sup>amount specified</sup>  
<sup>in the agreement under par. (a)</sup>

14 (END)

Insert 2-9  
2-9

Note



**2009-2010 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1599/2ins  
RCT:.....

1           **Analysis insert**

2           Under the Land Recycling Loan Program, this state provides loans to cities,  
3           villages, towns, and counties (political subdivisions) for projects to remedy  
4           environmental contamination at sites owned by political subdivisions where the  
5           environmental contamination has affected, or threatens to affect, groundwater or  
6           surface water. Current law limits the amount that may be expended for the land  
7           recycling loan program to \$20,000,000. This bill reduces the amount that may be  
8           expended for the land recycling loan program by the amount of any transfer from the  
9           environmental improvement fund to DERF.

2           **Insert 2-1**

3           **SECTION 1.** 20.320 (1) (sm) of the statutes is amended to read:

4           20.320 (1) (sm) *Land recycling loan program financial assistance.* From the  
5           clean water fund program federal revolving loan fund account in the environmental  
6           improvement fund, a sum sufficient, not to exceed a total of \$20,000,000 less the  
7           maximum transfer amount specified in any agreement under s. 25.43 (2s), to provide  
8           land recycling loan program financial assistance under s. 281.60.

9           History: 1989 a. 366 ss. 16, 19 to 21, 27 to 30; 1991 a. 39; 1993 a. 16; 1995 a. 27, 216, 227; 1997 a. 27, 35, 237, 252; 1999 a. 9; 2007 a. 20.

9           **Insert 2-4**

10          not The maximum transfer amount specified in an agreement under this  
11          paragraph may not exceed the lesser of the following:

- 12           1. Six million two hundred thousand dollars.
- 13           2. The difference between \$20,000,000 and the amount that has been expended  
14          under s. 20.320 (1) (sm) when the agreement is entered into.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Date

-1599/2dn  
ret: kjf

Andrew Miner:

Should the present value of the  
subsidy for the hand Recycling loan Program in LRB-<sup>0</sup>333  
be changed if this draft is included in the budget?

RT

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

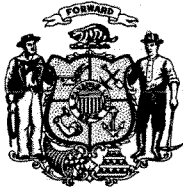
LRB-1599/2dn  
RCT:kjf:ph

January 21, 2009

Andrew Miner:

Should the present value of the subsidy for the Land Recycling Loan Program in LRB-0333 be changed if this draft is included in the budget?

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
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State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1599/2  
RCT:kjf:ph

DOA:.....Miner, BB0462 - Transfer from environmental improvement fund  
to dry cleaner fund

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

Under current law, DNR administers the Dry Cleaner Environmental Response Program (DERP), which provides reimbursement for a portion of the costs of cleaning up discharges of dry cleaning solvents. DERP is funded from the segregated dry cleaner environmental response fund (DERF), which consists primarily of fees paid by dry cleaners.

This bill authorizes the transfer of funds from the environmental improvement fund (which funds the Clean Water Fund Program, the Safe Drinking Water Loan Program, and the Land Recycling Loan Program) to DERF, if funds available in DERF are insufficient to provide reimbursement under DERP. Any transfer must be repaid with interest. The bill requires the secretary of administration and the secretary of natural resources to enter into an agreement specifying the terms and conditions of the transfer and provides that the transfer may not exceed \$6,200,000.

Under the Land Recycling Loan Program, this state provides loans to cities, villages, towns, and counties (political subdivisions) for projects to remedy environmental contamination at sites owned by political subdivisions where the environmental contamination has affected, or threatens to affect, groundwater or

surface water. Current law limits the amount that may be expended for the Land Recycling Loan Program to \$20,000,000. This bill reduces the amount that may be expended for the Land Recycling Loan Program by the amount of any transfer from the environmental improvement fund to DERF.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 20.320 (1) (sm) of the statutes is amended to read:

2       20.320 (1) (sm) *Land recycling loan program financial assistance.* From the  
3       clean water fund program federal revolving loan fund account in the environmental  
4       improvement fund, a sum sufficient, not to exceed a total of \$20,000,000 less the  
5       maximum transfer amount specified in any agreement under s. 25.43 (2s), to provide  
6       land recycling loan program financial assistance under s. 281.60.

7       **SECTION 2.** 25.43 (2s) of the statutes is created to read:

8       25.43 (2s) (a) If the secretary of administration determines that the moneys  
9       available in the dry cleaner environmental response fund are insufficient to pay  
10      awards under s. 292.65, the secretary of administration and the secretary of natural  
11      resources may enter into an agreement establishing terms and conditions for the  
12      transfer of moneys from the environmental improvement fund to the dry cleaner  
13      environmental response fund, including a maximum transfer amount, and the  
14      repayment to the environmental improvement fund of the amount transferred plus  
15      interest when sufficient funds are available in the dry cleaner environmental  
16      response fund. The maximum transfer amount specified in an agreement under this  
17      paragraph may not exceed the lesser of the following:

18      1. Six million two hundred thousand dollars.

19      2. The difference between \$20,000,000 and the amount that has been expended  
20      under s. 20.320 (1) (sm) when the agreement is entered into.

(b) If the secretaries enter into an agreement under this subsection, the secretary of administration may transfer from the environmental improvement fund to the dry cleaner environmental response fund an amount that does not exceed the lesser of the amount of the shortfall in the dry cleaner environmental response fund or the maximum amount specified in the agreement under par. (a).

(END)